

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Dailey Law Firm PC,

Debtor.

Case No. 23-45970-MLO

Chapter 7

Hon. Maria L. Oxholm

**ORDER COMPELLING TURNOVER OF
ESTATE PROPERTY AND ASSESSING SANCTIONS**

This matter is before the Court on the Trustee's Motion for Order Compelling Turnover of Estate Property and Assessing Sanctions ("Motion"; Docket #211). The Motion and notice of the Motion were served on Debtor's counsel, Brian Dailey's counsel, and Dailey Trial Lawyers, PC and no objections have been timely filed.

IT IS ORDERED as follows:

A. Brian Dailey and Dailey Trial Lawyers, PC are jointly and severally liable to the bankruptcy estate in the amount of \$40,590.63 ("Liability"), which is the total of—

- the UIM Fees and Expenses¹ of \$27,258.63;
- a 1/3 contingency fee of \$6,666 on the Third-Party Settlement; and

¹ Capitalized terms used but not defined in this Order shall have the same meaning as those in the Motion.

- a 1/3 contingency fee of \$6,666 on the Loss of Consortium Settlement.

B. Within three days after entry of this Order, Dailey Trial Lawyers and/or Brian Dailey must—

- pay the Liability to “Mark H. Shapiro, Trustee” c/o Tracy M. Clark, Esq. at Steinberg Shapiro & Clark, 25925 Telegraph Rd., Suite 203, Southfield, Michigan 48033; and
- account for the Third-Party Settlement and Loss of Consortium Settlement and all expenses incurred by the Debtor in connection with the Third-Party Settlement and Loss of Consortium Settlement.

C. This Order shall constitute a judgment on the Liability enforceable under Fed. R. Civ. P. 69(a) against Brian Dailey and Dailey Trial Lawyers, PC, jointly and severally.

D. Costs are assessed against Brian Dailey and Dailey Trial Lawyers, PC, jointly and severally, for reasonable attorney fees and expenses incurred by Trustee’s counsel for costs associated with the Motion. The amount of the attorney fees and expenses will be determined by further order (“Fee Order”) of this Court, using the same procedures as those described by L.B.R. 7054-1 (E.D. Mich.).

E. The costs assessed in the above paragraph must be paid and delivered to Steinberg Shapiro & Clark within 10 days after entry of the Fee Order, and the Fee Order shall constitute a judgment enforceable under Fed. R. Civ. P. 69(a) against Brian Dailey and Dailey Trial Lawyers, PC, jointly and severally.

F. Notwithstanding the provisions of Rule 62(a) of the Federal Rules of Civil Procedure or any other applicable rule or statutory provision, this Order shall not be stayed, but shall be effective and enforceable immediately upon entry.

Signed on December 26, 2023



/s/ Maria L. Oxholm

**Maria L. Oxholm
United States Bankruptcy Judge**